

REMARKS

Claims 1-4, 23, 24, 28-31, and 33-42 are pending in the instant application. Claims 22 and 41 were withdrawn from consideration. The Advisory Action dated September 25, 2007 indicated that Applicants' proposed Amendment dated August 29, 2007 would not be entered in the file on grounds that it created new issues requiring further search and/or consideration on the part of the Examiner. The Advisory Action dated November 14, 2007 stated that Applicants' response would be entered for purpose of appeal, but that the response failed to place the application in to condition for allowance.

The previous two responses to the Final Office Action are hereby withdrawn in favor of the instant response. In the instant response, Applicants have cancelled claims 22, 41 and 42 without prejudice or disclaimer to the subject matter claimed therein. Claims 1 and 23 have been amended. New claims 43-49 have been added. Reconsideration of the rejection is respectfully requested in view of the following new remarks.

Applicants respectfully submit that the instant claim amendments can be entered in the instant application. In particular, even though the amendment is "after final", it is being submitted in the context of a Request for Continued Examination (RCE). Accordingly, Applicants respectfully request that the finality of the previous rejection be withdrawn, and that prosecution of the instant application be resumed.

Applicants respectfully submit that the amendments and new claims are fully supported by the specification. In particular, the amendments to claims 1 and 23 are supported, for example, by Paragraph [0059]. New claims 46-48 are supported by Paragraph [0030]. New claim 49 is supported by Paragraph [0031].

Claim Rejections 35 USC §103

Claims 1-4, 23-24, 28-31 and 31-40 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication US 2003/0146541 A1 to Nakamura et al. (hereinafter referred to as "Nakamura") in view of U.S. Patent Application Publication US 2001/0004693 A1 to Burkhead et al. (hereinafter referred to as "Burkhead"). Applicants respectfully traverse this rejection.

Applicants respectfully submit that neither Nakamura nor Burkhead, whether taken individually or in permissible combination, discloses or suggests the claimed invention. Specifically, neither Nakamura nor Burkhead discloses or suggests the claimed (tissue fixation) device wherein the longitudinal axis of the device and the axis of molecular orientation of the polymer contained in the device are aligned in the same direction.

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Accordingly, Applicants respectfully request that this rejection be withdrawn.

In view of the above remarks, Applicants respectfully submit that the present application is in condition for allowance. Accordingly, Applicants respectfully request issuance of a Notice of Allowance directed to claims 1-4, 23, 24, 28-31, 33-40 and 43-49.

Should the Examiner deem that any further action on the part of Applicants would be desirable, the Examiner is invited to telephone Applicants' undersigned representative.

Respectfully submitted,


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